

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CLAYTON-M. BERNARD-EX,

Case No. 2:22-cv-01885-MMD-EJY

Plaintiff,

ORDER

v.

BOARD OF COUNTY
COMMISSIONERS,

Defendant.

Pro se Plaintiff Clayton-M. Bernard-Ex brings this action against Defendant Board of County Commissioners under 42 U.S.C. § 1983. (ECF Nos. 1-2, 1-3.) Before the Court is the Second Report and Recommendation (“R&R”) of United States Magistrate Judge Elayna J. Youchah, recommending that the Court dismiss the case without prejudice for Plaintiff’s failure to file a complaint and comply with the Court’s prior order. (ECF No. 5.) Plaintiff’s objection to the Second R&R was due February 21, 2023. To date, Plaintiff has not objected to the Second R&R. For this reason, and as explained below, the Court adopts the Second R&R in full and dismisses this case without prejudice.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Youchah did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). The Court previously adopted Judge Youchah’s First R&R, directed the Clerk of Court to send Plaintiff the approved form for filing a § 1983 complaint and instructions for the same, and ordered Plaintiff to file his complaint by December 15, 2022. (ECF No. 4.) In that order, the Court also warned Plaintiff that his failure to file a complaint by the deadline might result in dismissal of his

1 case. (*Id.*) The deadline has long passed, and despite receiving adequate warning,
2 Plaintiff has not filed a complaint, requested an extension, or otherwise responded to the
3 Court's order or Judge Youchah's R&Rs. Accordingly, the Court adopts Judge Youchah's
4 Second R&R in full and dismisses the case without prejudice. *See Thompson v. Hous.*
5 *Auth. of City of L.A.*, 782 F.2d 829, 831 (9th Cir. 1986); *Malone v. U.S. Postal Serv.*, 833
6 F.2d 128, 130 (9th Cir. 1987); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992).

7 It is therefore ordered that Judge Youchah's Second Report and Recommendation
8 (ECF No. 5) is accepted and adopted in full.

9 It is further ordered that this case is dismissed without prejudice for Plaintiff's failure
10 to comply with the Court's order.

11 The Clerk of Court is directed to enter judgment accordingly and close this case.

12 DATED THIS 27th Day of February 2023.

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15 MIRANDA M. DU
16 CHIEF UNITED STATES DISTRICT JUDGE
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